

Project No.: M-504-6-901
Section: Broadway at 52nd St.

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF TEMPE

THIS AGREEMENT entered into this 9th day of September, 1983 between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the City of Tempe acting by and through its City Council hereinafter called "City":

WHEREAS, State is empowered by Section 28-108 Arizona Revised Statutes to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of the State; and

WHEREAS, City is empowered by Section 9-672 Arizona Revised Statutes to enter into this agreement and acting by and through its City Council, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of City; and

WHEREAS, City desires to make certain improvements to the intersection of Broadway Road and 52nd Street including lengthening the left turn storage area for eastbound Broadway Road traffic; and

WHEREAS, there will be no Federal participation in the costs of said project; and

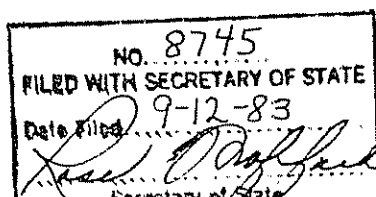
WHEREAS, the cost of said project is estimated to be \$15,000; and

WHEREAS, State agrees to reimburse City for the cost of said improvement project to the extent and in the manner set forth below.

THEREFORE, the parties hereto agree as follows:

CITY SHALL:

1. Design and prepare construction plans and specifications for said improvement of Broadway Road and submit same to State for approval.
2. Arrange any required relocation of utility installations and confirm all costs associated with said relocation.
3. Design and prepare traffic engineering plans, including striping, signs, signals and lighting.
4. Insure that materials, construction and traffic controls conform to State standards.



5. Administer the construction contracts and certify to State that all payments to contractors are correct.

6. Allow State's auditors to examine the projects records upon advance request by State.

7. Upon completion of said project furnish to State a certified statement of the total cost of said project.

8. Save and hold harmless State, or any of its departments, agencies, officers or employees for any sums which State, or any of its departments, agencies, officers or employees may be obligated to pay by reason of any liability imposed upon any of the above for injury or damage to persons or property caused by the fault or negligence of City, its employees or agents.

STATE SHALL:

1. Within 30 days following receipt of City's certified statement of total project cost, reimburse City for the actual cost of said project, the estimated cost of which is agreed to be FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS.

2. Upon completion of said project and acceptance of same, assume responsibility for maintenance of the reconstructed portion of Broadway Road in accordance with currently existing agreements between State and City.

This agreement shall remain in full force and effect until completion of said construction project as aforesaid; provided, however, that agreements herein relating to maintenance shall be in perpetuity.

All parties hereto agree to abide by the arbitration requirements as set forth in Section 11-1518 (B and C) Arizona Revised Statutes, as amended.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511 Arizona Revised Statutes.

This agreement shall become effective on the date of filing same with the Secretary of State.

Attached hereto and incorporated herein by reference is a copy of State's Resolution authorizing entry into this agreement, a copy of City's Resolution passed by its City Council, a copy of the written determination of the appropriate attorney that City is authorized under the laws of this State to enter into this agreement and that said agreement is in proper form, and a copy of the Attorney General's Intergovernmental Agreement Determination.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF TEMPE

By:

Harry E. Mitchell

Title:

Mayor

ATTEST:

Virginia J. Thompson
City Clerk

STATE OF ARIZONA

ARIZONA DEPARTMENT OF TRANSPORTATION

By:

W. O. Ford

Chief Deputy State Engineer

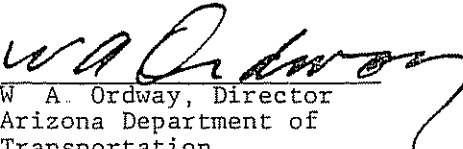
Project: M-504-6-901

Section: Broadway & 52nd Street

RESOLUTION

BE IT RESOLVED on this 18th day of May, 1983,
that I, W A. Ordway, as Director, ARIZONA DEPARTMENT OF
TRANSPORTATION, have determined that it is in the best
interests of the State of Arizona that the DEPARTMENT
OF TRANSPORTATION, acting by and through the Highways
Division, enter into an Intergovernmental Agreement with
the City of Tempe for improving the intersection of
Broadway and 52nd Street by increasing the length of the
left turn storage area for eastbound Broadway Road traffic.

Therefore, authorization is hereby given to draft said
Agreement which, upon completion, shall be submitted for
approval and execution by the Chief Deputy State Engineer.


W A. Ordway, Director
Arizona Department of
Transportation

JDC:ca

RESOLUTION NO. 1829

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF THE INTERSECTION OF BROADWAY ROAD AND 52ND STREET.

WHEREAS, the City of Tempe desires to make certain improvements to the intersection of Broadway Road and 52nd Street by lengthening the left turn storage area for eastbound Broadway Road traffic, and

WHEREAS, the Arizona Department of Transportation agrees to reimburse the City of Tempe for the cost of said improvement project, and

WHEREAS, before such construction can begin, it is necessary to execute an Intergovernmental Agreement between the two parties, now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TEMPE:

That the Mayor be and he is hereby authorized to enter into an agreement with the Arizona Department of Transportation for the improvement of the intersection of Broadway Road and 52nd Street.

PASSED BY THE COUNCIL OF THE CITY OF TEMPE this 30th day of

June, 1983.

Harry E. Witcher
Mayor

ATTEST:

Virginia P. Thompson
City Clerk

APPROVED AS TO FORM:

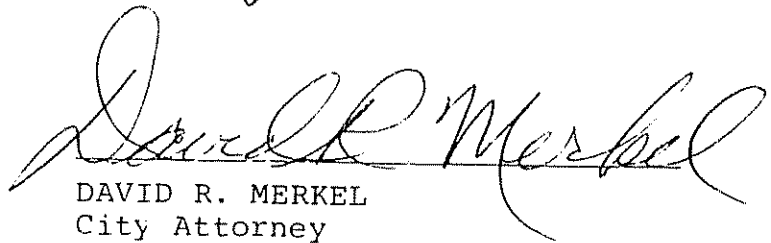
Donald M. McKel
City Attorney

JRP:rb

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed intergovernmental agreement between the STATE OF ARIZONA and the CITY OF TEMPE and declare this Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 12th day of July, 1983.


DAVID R. MERKEL
City Attorney



OFFICE OF THE
Attorney General
TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1680

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 83-558, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 6th day of September, 198³.

ROBERT K. CORBIN
Attorney General

A handwritten signature in cursive script, appearing to read "Samuel K. Redman".

Assistant Attorney General
Transportation Division